

PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 03-4184

UNITED STATES OF AMERICA

v.

JAMES C. FALLON,
Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
D.C. Criminal No. 02-cr-00324
(Honorable James T. Giles)

Present: SCIRICA, Chief Judge, SLOVITER, ALITO, ROTH, McKEE, RENDELL,
BARRY, AMBRO, FUENTES, SMITH, FISHER, VAN ANTWERPEN,
and ROSENN, Circuit Judges

O R D E R

A majority of the active judges having voted for rehearing *en banc* in the
above appeal, it is ordered that the Clerk of this Court list the above case for rehearing *en
banc* at 9:30 a.m. on Tuesday, November 1, 2005.

BY THE COURT,

/s/ Anthony J. Scirica
Chief Judge

DATED: September 15, 2005
RLS/cc: RE
DF